



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,131	03/15/2004	Dale A. Herigstad	KAQ-001CN	3388

959 7590 04/15/2008  
LAHIVE & COCKFIELD, LLP  
ONE POST OFFICE SQUARE  
BOSTON, MA 02109-2127

EXAMINER
----------

PARKER, BRANDON

ART UNIT	PAPER NUMBER
----------	--------------

2174

MAIL DATE	DELIVERY MODE
-----------	---------------

04/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,131	<b>Applicant(s)</b> HERIGSTAD ET AL.	
	<b>Examiner</b> BRANDON PARKER	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 21, 26-30, 33-45, 50, 53, 59-68, 71-82, 84-95, 98-109, 111 and 112 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15, 21, 26-30, 33-45, 50, 53, 59-68, 71-82, 84-95, 98-109 and 111-112 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***DETAILED ACTION***

The examiner acknowledges the applicant's submission on 01/16/2008 wherein claims 37, 39-44, 50, 53, 59, 82, 86, 100 and 109 have been amended, claims 16-20,22-25,31-32,46-49,51-52,54-58,69-70,83,96-97 and 110 have been cancelled, claims 1-15,21,26-30,33-45,50,53,59-68,71-82,84-95,98-109 and 111-112 are presented for examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15,19-21, 26-30, 33-35, 37-38, 40-45, 50, 53, 59-60, 62-68, 71-82, 84, 86, 87, 89-95, 98-109, and 111 are rejected under 35 U.S.C. 102(b) as being anticipated by Wicks et al (US Patent No. 5,796,394) (Wicks hereinafter).

With respect to claim 1,

- Wicks provides teachings of a mobile telephone apparatus (i.e. electronic apparatus), said mobile telephone apparatus (i.e. electronic apparatus) comprising (mobile telephone, Wicks Claim 1)
- a display surface for displaying information in a visually partitioned manner, said visually partitioned information being presented on said display in at least two regions; (300 Fig. 4 Drawing) a keypad containing keys, each of said keys corresponding to at

most a single region of said display wherein each region is associated with at least one of the keys in the keypad (Wicks Claim 4, Claim 5), and represents a choice of an option that may be selected by selecting the associated key (i.e. pressed key) and a processor for performing an action associated with said choice of an option (“determining with the processor, the image from the plurality of images that correspond to the pressed key”, Wicks Claim 13) said action triggered by the selection of the associated key (“accepting from the keypad a signal indicating a key was pressed”, Claim 13)

Claims 37, 59, 82, 86, and 109 are similar in scope to claim 1 and are therefore rejected under similar rationale.

With respect to claim 2,

- Wicks shows that a display (Fig. 4 Drawing) is organized in a configuration (i.e. arrangement) that corresponds to a configuration of the keys on the keypad (“displaying user areas and numerals on the display screen in an arrangement that corresponds with the keys on the keypad”, Wicks Claim 5)

Claim 53, 63 and 90 are similar in scope to claim 2 and are therefore rejected under similar rationale.

With respect to claim 3,

- Wicks shows that each region (i.e. bin) is associated with a service option for a service (Col. 7 lines 21-34) and selecting the selected key (i.e. pressing a key) results in a request for the service (Col. 5 lines 41-47) Note: a service can retrieve voice messages over the handheld device, can have electronic mail and faxes delivered to the user's computer, can

have a fax printed out, can copy the information to other users, can place the information in a "low priority" stack, or perform other functions.

With respect to claim 4,

- Wicks shows that each region contains a graphical element (i.e. bins) that visually represents a choice (Fig. 4 Drawing, Col. 7 lines 21-26).
- Wicks shows that the regions contain text (1 David, Drawing Fig 4)

Claim 5, 6, 64, 65, 66, 91, 92, 93 are similar in scope to claim 5 therefore the claims are rejected under similar rationale.

With respect to claim 7

- Wicks shows that new information (Fig. 5 Drawing) associated with the selected key on the keypad is displayed following said triggering of an event (Col. 8 lines 37-43).

Claim 72 and 99 are similar in scope to claim 7 and are therefore rejected under similar rationale.

With respect to claim 8

- Wicks shows that new information (Fig. 5 Drawing) that is displayed on the display is visually partitioned into regions (buttons 322,326 Fig. 5 Drawing) that are each associated with respective ones of the keys on the keypad (Col 5 lines 5-10)

Claim 73 and 100 are similar in scope to claim 8 and are therefore rejected under similar rationale.

With respect to claim 9

- Wicks shows that information is displayed on said display displays in at least five regions (322, 326 Fig 5 Drawing) Note: Wicks shows 6 regions (i.e. Buttons 1, 2, 3, \*, 0, #)

Claim 74 and 101 are similar in scope to claim 9 therefore the claims are rejected under similar rationale.

With respect to claim 10

- Wicks shows that information is displayed on said display displays in nine regions associated with respective keys numbered one through nine (Col. 8 lines 53-57, Fig. 4, 5 Drawing). Note: that in Box Window overlays the previous bin display of Fig 4 wherein Fig. 4 displays nine regions with keys numbered one through nine.

Claim 40, 41, 75, 80, and 102 are similar in scope to claim 10 and the claims are therefore rejected under similar rationale.

With respect to claim 11

- Wicks discloses a mobile telephone apparatus wherein each of the regions contains a border for visually delimiting the regions (Fig. 4 Drawing). Note: The borders are the oval containers that separate one bin (i.e. region) from the next bin (i.e. region).

Claim 76 and 103 are similar in scope to claim 11 and the claims are rejected under similar rationale.

With respect to claim 12,

- Wicks shows where regions occupy substantially all of the display (300/Fig 4 Drawing)

Claim 77 and 104 are similar in scope to claim 12 and the claims are therefore rejected under similar rationale.

With respect to claim 13

- Wicks shows each region is associated exclusively with a single one of the keys of a keypad (one image/region is displayed per key/region Wicks Claim 27)

Claim 78 and 105 are similar in scope to claim 13 and the claims are therefore rejected under similar rationale.

With respect to claim 14

- Wicks shows a keypad is a virtual keypad (Col 3 lines 60-65)

Claim 15, 42-45, 50, and 79 are similar in scope to claim 14 therefore the claims are rejected under similar rationale.

With respect to claim 21

- Wicks shows that keys appear in a circular shape (120 Fig. 1 Drawing) and said navigational element (322 Down Fig. 5 Drawing) used to switch focus between displayed regions on the display surface (Col. 8 lines 58-60).

Claim 29 and 30 are similar in scope to claim 26 and are therefore rejected for at least the same reasons.

With respect to claim 26

- Wicks shows an arrangement of said keys in a grid pattern, said grid pattern including at least four rows of at least 3 keys each and at least three columns (120 Fig. 1 Drawing).

With respect to claim 27

- Wicks shows a grid pattern includes keys bearing the numbers 1, 2 and 3 on separate consecutive keys from left to right in a first row, keys bearing the numbers 4, 5 and 6 on separate consecutive keys from left to right in a second row appearing below said first row, keys bearing the numbers 7, 8 and 9 on separate consecutive keys from left to right in a third row appearing below said second row, and a key bearing the number 0 appearing on a fourth row of keys on the center key, said fourth row appearing below

said third row (“a standard twelve key telephone keypad” Wicks Claim 5, Col. 7 lines 59-62, Fig. 4 Drawing) Note: Wicks discloses where the correspondence between the keypad and the bins is reinforced by having the bins with the same labeling on the bins as on the keypad keys (Fig. 4 Drawing) arranged in the same layout as the keypad).

Claim 28 is similar in scope to claim 27 and is therefore rejected under similar rationale.

With respect to claim 33,

- Wicks shows that a keypad consist of two keys (a standard twelve key telephone keypad Wicks Claim 5)

Claim 34 is similar in scope to claim 33 and is therefore rejected under similar rationale.

With respect to claim 35,

- Wicks shows regions are separate icons (i.e. bins 1-9) appearing on said display surface (300 Fig 4 Drawing).

Claim 38, 60, 84, 87, and 111 are similar in scope to claim 35 and are therefore rejected under similar rationale.

With respect to claim 62

- Wicks discloses an electronic apparatus is a mobile phone (mobile telephone handset, Wicks Claim 1)

Claim 89 is similar in scope to claim 49 and are therefore rejected under similar rationale.

With respect to claim 67,

- Wicks discloses an electronic apparatus is a pager (paging device/pager Col 3 lines 55-58).

Claim 94 is similar in scope to claim 67 and is therefore rejected under similar rationale.



With respect to claim 68,

- Wicks discloses an electronic apparatus is a PDA, (Col 3 lines 60-65).

Claims 81, 95, and 106-109 are similar in scope to claim 68 and are therefore rejected under similar rationale.

With respect to claim 71,

- Wicks discloses an electronic apparatus is an Internet appliance (PIC, PC Col. 3 lines 55 and 56).

Claim 98 is similar in scope to claim 71 and is therefore rejected under similar rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36, 61, 85, 88, and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks et al (US Patent No. 5,796,394) (Wicks hereinafter) in view of Scott (US Patent No. 5,543,818) (Scott hereinafter).

With respect to claim 36, in addition to claim 1, Wicks discloses a screen display, which have bins (i.e. regions) and selection boxes when selecting a bin (i.e. region) but fails to explicitly show a color difference or shade difference between regions on the portable electronic device

and mobile telephone apparatus. However Scott discloses a cursor used to highlight (i.e. shading differences) quads (i.e. regions), (Col. 4 lines 4-41) and make visual selections (39,11 Fig. 2 Drawing).

It would have been obvious to one skilled in the art at the time of invention to provide highlighted menu selections as taught by Scott with regions in a screen display of Wicks so users can efficiently make selections on a screen display.

Claims 61, 85, 88, and 112 are similar in scope and are therefore rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments filed 01/16/2008 have been fully considered but they are not persuasive. The claim objections, 35 USC 112 first and second paragraph rejections and non-statutory double patenting rejection have been withdrawn.

Applicant argues Wicks fails to disclose "a processor for performing an action associated with said choice of an option, said action triggered by selection of the associated key."

Applicant states that Wicks base station provides information to the user...in other words, the processing of the selection in the interface in Wicks is being performed at the base station.

Examiner respectfully disagrees, in response, Wicks specifically discloses "accepting signals from the user input device to specify a user includes the substep of accepting signals from the user input device to specify an icon in the first area"...."using the processor to receive first information for the first user from the first network, store the first information into the memory, and display a first icon within the first area (i.e. perform an action) in response to the receipt of the first information (i.e. triggered by selection of the associated key), (Claim 1, Claim 2).

Therefore when a key is pressed on the handset, the processor **displays the received information** (i.e. performs an action) wherein the received information comes from the keypad which represents a choice of an option that may be selected on the associated key.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on M-F 9-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDON PARKER/  
Examiner, Art Unit 2174  
04/07/2008

/David A Wiley/  
Supervisory Patent Examiner, Art Unit 2174